

# Order

Michigan Supreme Court  
Lansing, Michigan

March 20, 2019

Bridget M. McCormack,  
Chief Justice

158169

David F. Viviano,  
Chief Justice Pro Tem

ARTHUR CHAPMAN,  
Plaintiff-Appellant,

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

v

SC: 158169  
COA: 335678  
Wayne CC: 15-010270-NO

OFFICER D. MACK,  
Defendant-Appellee.

On order of the Court, the application for leave to appeal the June 19, 2018 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief within 42 days of the date of this order addressing: (1) whether the appellant's gross negligence claim should have been dismissed for failure to state a claim upon which relief could be granted, MCR 2.116(C)(8); and (2) whether the appellant's intentional tort claims were barred by governmental immunity because there was no genuine issue of material fact regarding whether the appellee acted in good faith and without malice. In addition to the brief, the appellant shall electronically file an appendix conforming to MCR 7.312(D)(2). In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.



d0313

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 20, 2019

Clerk